THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETIION NO. 6184 OF 2004

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AND

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CONTEMPT CASE NO : 505 of 2005

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ORDER:

Since the Contempt Case has arisen out of an interim order passed during the pendency of the writ petition, both the writ petition and the contempt case are heard together and decided.

In the writ petition, the petitioner seeks a writ of Mandamus declaring the tender notification dated 18-03-2004 issued by respondents 2 and 3 inviting sealed tenders from the owners of Ambassador car/jeep for engaging on hire basis with the fourth respondent office as illegal and arbitrary.

The case of the petitioner is that the respondents have entered into an agreement dated 01-10-2003 with the petitioner for hiring of the vehicle of the petitioner and the said agreement was valid up to 30-09-2004. Therefore, the action of the respondents in inviting fresh tenders under the impugned notification dated 18-03-2004 while the lease in his favour was subsisting is arbitrary and illegal.

This Court while directing Rule nisi, by order dated 01-04-2004, granted interim directions to the respondents to engage the vehicle of the petitioner on hire basis till 30-09-2004 as per the lease agreement. The petitioner alleges that the said order has not been complied with till August 2004, but the vehicle was engaged only during the months of August and September, 2004. Hence, the contempt case alleging that the respondents are liable to be punished under the provisions of Contempt of Courts Act. The respondents filed a counter-affidavit denying the said allegation.

Having heard the learned counsel for both the parties, it is clear that the lease in

favour of the petitioner was valid only up to 30-09-2004. Since the period of lease was already expired, the relief prayed for in the writ petition to engage the petitioner's vehicle does not survive as on today. At the most, the petitioner is entitled to claim the damages for the alleged illegal termination of the lease.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of granting leave and liberty to the petitioner to work out appropriate remedy for redressal of his grievance, if any.

Since the main writ petition is disposed of, it is not necessary to enquire into the allegations in the contempt case. Accordingly, the contempt case is closed.

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G.ROHINI,J

Date: 08-09-2005

klp